

Stephen F. English, OSB No. 730843  
SEnglish@perkinscoie.com  
Sarah J. Crooks, OSB No. 971512  
SCrooks@perkinscoie.com  
C. Rian Peck, OSB No. 144012  
CPeck@perkinscoie.com  
PERKINS COIE LLP  
1120 N.W. Couch Street, 10th Floor  
Portland, OR 97209-4128  
Telephone: 503.727.2000  
Facsimile: 503.727.2222

Ben Stafford (*pro hac vice*)  
BStafford@perkinscoie.com  
PERKINS COIE LLP  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101  
Telephone: 206.359.8000  
Facsimile: 206.359.9000

*Attorneys for Defendants  
Legacy Health and Legacy Emanuel Hospital &  
Health Center*

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

JULIANNE HUNTER, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

LEGACY HEALTH, LEGACY  
EMANUEL MEDICAL CENTER,  
LEGACY EMANUEL HOSPITAL &  
HEALTH CENTER, LEGACY HEALTH  
PARTNERS, LLC, RANDALL  
CHILDREN'S HOSPITAL AT LEGACY  
EMANUEL,

Defendants.

No. 3:18-CV-02219-AC

CLASS AND COLLECTIVE ACTION

**DECLARATION OF ALEXANDRA  
STEMMLER IN SUPPORT OF  
DEFENDANTS' MOTION FOR  
PROTECTIVE ORDER**

1- DECL. OF ALEXANDRA STEMMLER IN SUPPORT OF  
DEFENDANTS' MOTION FOR PROTECTIVE ORDER

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**Perkins Coie LLP**  
1120 N.W. Couch Street, 10th Floor  
Portland, OR 97209-4128  
Phone: 503.727.2000  
Fax: 503.727.2222

I, Alexandra Stemmler, declare as follows:

1. I am a Senior Discovery Attorney with Perkins Coie's E-Discovery Services & Strategy ("ESS") practice group. I have personal knowledge of the facts and statements included in this declaration.

2. I have been a Senior Discovery Attorney for four years and have managed electronic discovery and document review projects of all sizes. Prior to becoming a Senior Discovery Attorney, I worked as a document review attorney for a year.

3. With assistance from other members of the ESS team, we prepared estimates for the cost of collecting, processing and reviewing electronically stored information contained in potential Legacy custodians' email folders in the above-entitled case.

4. To prepare the estimates, we needed to determine an assumed average size of a Legacy custodian's personal storage table (PST) in the Outlook email program. Accordingly, we reviewed the PST sizes for a sample of 384 supervisors and managers across the Legacy Health system. From that sample information, we determined that the average PST size for those custodians is 5.25 gb per custodian, and we used that average PST size of 5.25 gb per custodian as the assumed average PST size for our estimates.

5. We then collected sample PSTs from two Legacy custodians—one current and one former manager of the Pediatric Intensive Care Unit at Randall Children's Hospital (the unit in which the named plaintiff in this case worked). Using those two exemplar PSTs, we ran the search terms that Plaintiff proposed in her Request for Production No. 61. The proposed search terms hit on 12,921 (including email families) of the 116,911 files processed from the two sample PSTs—in other words, the search terms hit on approximately 11% of the files in the PSTs. Because the two exemplar PSTs were, in total, much larger in volume than the estimated 5.25gb/custodian average, we based our data collection and processing estimate on the assumed

average size of the custodians' PSTs, 5.25gb, and compiled estimates of the cost to collect and process that data into our review platform and database, assuming there were either 75 or 500 custodians.

6. Based on the 11% hit rate for Plaintiffs' proposed search terms, we extrapolated the potential cost to review the documents on which the search terms hit, assuming there were 75 or 500 custodians.

7. Given the proposed number of custodians and in keeping with best practices, we would engage an hourly third-party professional for collection of custodian PSTs at an estimated cost of \$285.00 per hour with an estimated collection time per PST of 1.5 hours.

8. The Legacy document review in this case will consist of two levels of review. At the first level, review is focused on evaluations of documents for responsiveness, potential privilege and confidentiality. The first-level review will be conducted by review attorneys and discovery attorneys. The second-level review will include a targeted quality control review by discovery attorneys, as well as a second-level review of potentially privileged and confidential documents, including application of necessary redactions.

9. There are several factors that affect the cost of a document review, including the number of documents and the document-per-hour review rate. Document review costs are also likely to increase when the document review set contains large numbers of potentially privileged documents, confidential information or protected health information. This is because it typically takes longer to identify privileged, confidential and protected health information, and those documents must often be reviewed by multiple people, including the person who makes the original decision as to whether a document is privileged, confidential or protected health information and a second, more senior attorney to sign off on the decision and ensure a high quality of work.

10. Based on the number of potential custodians, the assumed average PST size, the search term hit rate, and the two-level review process described above, we were able to craft estimates of collection, data processing, and review costs assuming there were either 75 or 500 custodians.

11. For 500 custodians, we estimate it would cost approximately \$224,437.50 to collect PSTs from those custodians, \$189,787.50 to process the data, and around \$790,170.00 to review that data, for a total of \$1,204,395.00. Additionally, there would be a monthly data hosting fee of \$45,937.50.

12. For 75 custodians, we estimate it would cost approximately \$42,750.00 to collect PSTs from those custodians, \$32,287.50 to process the data, and around \$123,977.02 to review that data, for a total of \$199,014.52. Additionally, there would be a monthly data hosting fee of \$6,890.63.

*I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.*

DATED: July 23, 2019

/s/ Alexandra Stemmler  
Alexandra Stemmler